



UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

John M. Domurat, Clerk - Syracuse

Case No. 5:21-MJ-

327(TWA)

DEVIN NAU

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the dates of May 2021 to the Present in the county of Cayuga in the Northern District of New York the defendant violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 United States Code Section 2251(a)	Sexual Exploitation of a Child

This criminal complaint is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Andrew McCoy, Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure. 

Date: June 23, 2021

Judge's signature

City and State: Syracuse, NY

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF SA ANDREW McCOY

I, Andrew McCoy, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of Homeland Security Investigations (HSI) since December of 2009 and am currently assigned to the Resident Agent in Charge (RAC) Syracuse office, located in Syracuse, New York. In my capacity as a Federal Agent, I have been involved in investigations of criminal violations relating to child exploitation and child pornography, including the illegal distribution, receipt, and possession of child pornography, in violation of Title 18, United States Code, Sections 2251(a) and 2252A. I have had the opportunity to observe and review numerous examples of child pornography, as defined in Title 18, United States Code, Section 2256. I am familiar with the facts and circumstances of this investigation because of my participation and discussions with other law enforcement officers involved with this investigation.

2. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.

3. This affidavit is made in support of an application for a criminal complaint and arrest warrant charging Devin Nau with sexually exploiting a child in violation of Title 18, United States Code, Section 2251(a).

4. The statements contained in this affidavit are based upon my investigation and information provided to me by other agents. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I

believe are necessary to establish probable cause to believe that the defendant has violated Title 18, United States Code, Section 2251(a).

DETAILS OF THE INVESTIGATION

5. In May 2021, HSI Cherry Hill initiated an undercover investigation into individuals who utilize the mobile messaging application, Kik Messenger¹ (“Kik”) for the purposes of distributing child pornography. In May 2021, an HSI Cherry Hill Undercover Agent (hereinafter referred to as “UCA”) encountered Kik user “yogiebearandbooboo,” later identified by investigators as DEVIN NAU. The UCA observed Kik user “yogiebearandbooboo” to be a member of Kik group “#youn.g.i.rl.z” with a group display name of “UnderaFun” (hereinafter referred to as “TARGET KIK GROUP”). The UCA observed members of the TARGET KIK GROUP distribute images and videos of child pornography, including files depicting toddler and prepubescent children.

6. The UCA observed that upon entering the TARGET KIK GROUP, Kik user “yogiebearandbooboo” stated “Ny 26 m,” indicating that he is a 26-year-old male from New York. Investigation has revealed that DEVIN NAU is a 26-year-old male who resides in Auburn, NY. A criminal records check shows that Nau is currently on probation in New York State for an Assault 3rd and Criminal Obstruction of Breathing/Blood Circulation-Block Nose/Mouth convictions.

7. On or about May 21, 2021, at approximately 11:43 PM ET and within the TARGET KIK GROUP, user “yogiebearandbooboo” stated “I play with my daughters” and distributed one image depicting a prepubescent female child with brown and red hair engaged in mouth to penis contact with a then unknown adult male. A short time later on the same day Kik

¹ Kik Messenger (“Kik”) is a mobile messaging application that allows users to chat and send text, video, and images to other users or groups within the application.

user "yogiebearandbooboo" then distributed two videos depicting another prepubescent female child, with light brown hair and blonde highlights, engaged in mouth to penis contact with a then unknown adult male. The first video is approximately 15 seconds long and in the video a distinctive tattoo can be seen on the left hand of the adult male abuser as well as details from the room the abuse is occurring in. The second video is approximately 6 seconds long and is a close up video of mouth to penis contact. After posting the image and 2 videos another Kik user responds "how old" and, user "yogiebearandbooboo" stated: "7 and 11." In response other users posts "Nice ages" and "Nice." In response to that, "yogiebearandbooboo" stated "I love to hear the oldest scream when I put it in it makes me cum quik". Later in the chat "yogiebearandbooboo" requests a trade. When the other user asks "what age" "yogiebearandbooboo" responds "Any I got all types my daughters are 11 and 7". In response to other users responding with "Nice ages" and "Best" "yogiebearandbooboo" states "Ya the videos were them earlier I love to trade I love moms and young kids". In response to that statement another user posts "my biggest fantasy is to breed with a preteen and start a pedo/incest family". The user "yogiebearandbooboo" then responds, "Same here I want to have a son with my daughter my wife isn't really in to it but let's me use my daughters". When asked by another user if "yogiebearandbooboo" has any pics/vids of daughters. The user of "yogiebearandbooboo" responds "Yea for trade for force or scream." Another user states: "Have a threesome with your wife and daughters" In response to that "yogiebearandbooboo" states "I have my wife suck 5 year old off and I play with the 11 year old". Later "yogiebearandbooboo" posts "I got reall videos of my daughter I looking for a girl who likes incest to breed and have a incest family with with my wife"

8. On or about May 22, 2021, between approximately 01:00 AM and 01:15 AM ET, Kik User "yogiebearandbooboo" distributed one video of suspected child pornography within the TARGET KIK GROUP. The video file is approximately thirty-one seconds in length and depicts a prepubescent female nude from the waist down. An unknown male is seen anally penetrating the prepubescent female.

9. On or about May 22, 2021, between approximately 12:58 PM and 01:00 PM ET, Kik User "yogiebearandbooboo" distributed another video of child pornography within the TARGET KIK GROUP. The video file is approximately one minute and fifty-nine seconds in length and depicts a prepubescent female child who is nude from the waist down. The child's legs are spread exposing her genitalia to the camera. Throughout the video, the child is seen manually stimulating and vaginally penetrating herself with her hand. An unknown adult male is also seen manually stimulating and vaginally penetrating the child. The unknown male then rubs his erect penis against the child's vagina. The female child in this video appears to be a different child than the two referenced above in paragraph 7.

10. On or about May 28, 2021, HSI Cherry Hill submitted a summons to Medialab/Kik for subscriber data and recent Internet Protocol (IP) addresses for Kik user "yogiebearandbooboo." Medialab/Kik responded and provided the following information, in summary and in part:

- a. First Name: Yogie
- b. Last Name: Bear
- c. Email: dNAUkinglife@icloud.com (unconfirmed)²
- d. Username: yogiebearandbooboo

² A Google search for "dNAUkinglife" returned a Pinterest Profile associated with the name "Devin NAU."

e. Creation date October 10, 2020

f. REGISTRATION_CLIENT_INFO device-type=iphone

Medialab/Kik also provided IP history logs which indicated that the Kik account “yogiebearandbooboo” had been accessed numerous times from IP address 67.242.33.108 between May 20, 2021 and May 25, 2021. A query of the American Registry for Internet Numbers (“ARIN”) online database revealed that IP address 67.242.33.108 was registered to Charter Communications Inc.

11. On or about June 15, 2021, HSI Cherry Hill issued a summons to Charter Communications for subscriber information associated with the aforementioned IP address on 2021/05/20 04:28:32 UTC - 67.242.33.108

2021/05/20 22:43:11 UTC - 67.242.33.108

2021/05/22 04:01:39 UTC - 67.242.33.108

2021/05/22 17:41:25 UTC - 67.242.33.108

2021/05/23 16:15:02 UTC - 67.242.33.108

2021/05/24 03:29:06 UTC - 67.242.33.108

2021/05/25 14:31:42 UTC - 67.242.33.108

of Kik account “yogiebearandbooboo” activity. Additionally, HSI Cherry Hill contacted the Charter Communications Law Enforcement Response Team and submitted an emergency disclosure form requesting subscriber information associated with IP address 67.242.33.108 from January 1, 2021 to Present.

12. On or about June 15, 2021, HSI Cherry Hill received a telephone call from the Charter Communications Law Enforcement Response Team who provided the following

information, in summary and in part: IP address 67.242.33.108 belonged to the below-listed subscriber from on or about December 10, 2020 through and including June 15, 2021:

Subscriber Name: KRISTINA PAGE

Service Address: 68 COTTAGE STREET, APT. RIGHT,
AUBURN, NY 13021

13. Public records searches for “Kristina Page” and “68 Cottage Street, right apartment, Auburn, New York” revealed an individual by the name of Kristina R TYLER with a listed address of 68 Cottage Street, right apartment, Auburn, NY.

14. A public records search for “68 Cottage Street, right apartment, Auburn, New York” returned an additional resident by the name of Devin M Nau (DOB: XX/XX/1994) (currently 26 years old).

15. A search of publicly available social media revealed a Facebook profile for “Kristina Page.” The profile listed “Kristina Page” as being in a relationship with Devin NAU. Within the “Kristina Page” Facebook account, your affiant found multiple photos of children in the age range of five to ten years old. Agents also found a photo of Devin NAU that matches a booking photo of Devin NAU taken prior to this investigation and in the photograph NAU has a very distinctive tattoo on his left hand.

16. On June 22, 2021, while conducting mobile surveillance at the subject premise, law enforcement observed a white male leaving 68 Cottage St in Auburn, New York. Based on a previous booking photo taken in 2020, law enforcement confirmed the white male to be Devin NAU. NAU was observed operating a Gray 2020 Kia Sportage and transporting 2 children.

17. On June 22, 2021 HSI Syracuse with the assistance of the New York State Police located Devin Nau at Casey Park in Auburn, New York and executed a federal search warrant that was authorized by the Court on June 22, 2021. NAU was found to be in possession of one

cellular telephone. The cellular telephone found in NAU's possession is an Apple iPhone XR, Serial number DX3ZXG5MKXKP, Model number MT3L2LL/A.

18. After encountering Nau I took photographs of his hands. After reviewing those and comparing them to the 16 second video depicting a prepubescent female child, with light brown hair and blonde highlights, engaged in mouth to penis contact sent by "yogiebearandbooboo" on May 21, 2021, I can confirm that the tatoos are the same.

19. During a forensic examination of Nau's cellular telephone the Kik app was located. A review of the app shows that the user was logged in as "yogiebearandbooboo".

20. During a forensic examination of Nau's cellular telephone conducted on June 22, 2021, 1 video of Devin Nau engaging in the sexual abuse of a known prepubescent female child who was less than 8 years old (Victim 1) was observed. In that video, Victim 1 can be seen engaging in mouth to penis contact with Nau. In this video, the hand tattoo found and photographed on NAU's left hand is visible on Victim 1's head during the act of mouth to penis contact. The video is 15 seconds in length. The video appears to have been recorded at 7:33 AM on June 22, 2021 according to the time stamp on the photo and is the last picture in the camera photos app.

21. Kristina PAGE was interviewed about the image of a prepubescent female child with brown and red hair engaging in mouth to penis contact with an adult male that was distributed by the "yogiebearandbooboo" Kik user on May 21, 2021. Page identified Nau as perpetrator of the sex act in the image and identified the Victim as a known prepubescent female child who was less than 12 years old (Victim 2). Page stated that she was present during the sex act depicted in the image and watched Nau film it with his iPhone.

22. Kristina PAGE was interviewed about the two videos depicting another prepubescent female child, with light brown hair and blonde highlights, engaging in mouth to penis contact with an adult male that were distributed by the “yogiebearandbooboo” Kik user on May 21, 2021. Page identified Nau as perpetrator of the sex acts in the videos and identified the Victim as Victim 1. Page stated that she was present during the sex acts depicted in the videos and watched Nau film it with his iPhone.

23. Victim 1 and Victim 2 were interviewed at the Child Advocacy Center on June 22, 2021. Both reported being sexually abused by Nau and Nau filming that abuse with his cellular telephone. Victim 1 identified herself in the 2 videos depicting oral sex that were distributed by the “yogiebearandbooboo” Kik user on May 21, 2021. Victim 2 identified herself in the image depicting oral sex that was distributed by the “yogiebearandbooboo” Kik user on May 21, 2021.

24. The videos and image referenced above are available for the Court’s review upon request.

CONCLUSION

25. Based upon the above information, there is probable cause to believe that Devin Nau and employed, used, persuaded, induced, enticed and coerced a person under the age of eighteen, to wit: a 7 year old female child and an 11 year old female child, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, where such visual depictions were produced using materials which have been mailed, shipped, or transported in interstate or foreign commerce, that is a Apple iPhone XR, Serial number

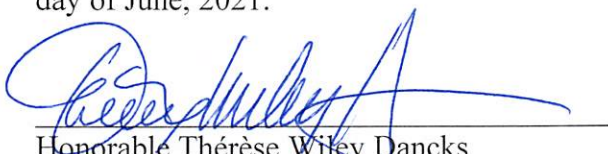
DX3ZXG5MKXKP, Model number MT3L2LL/A manufactured outside of New York state, in violation of Title 18, United States Code, Section 2251(a).



Special Agent Andrew McCoy
Homeland Security Investigations

Sworn to before me this 23rd

day of June, 2021.



Honorable Thérèse Wiley Dancks
United States Magistrate Judge